

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

WILHY HARPO and
DAVIOUN COLLIER,

Plaintiff,

v.

THE CONNOR GROUP, LLC, *et al.*,

Defendants.

CIVIL ACTION FILE NO.

1:19-cv-1130-WMR

ORDER

This matter is before the Court on Plaintiffs Wilhy Harpo and Davioun Collier's applications for leave to proceed *in forma pauperis* ("IFP") in their lawsuit against their former landlord and several agents of the Fulton County Marshal's, Magistrate Court's, and Magistrate Court Clerk's offices. [Docs. 1, 1-1.] Although their applications are difficult to decipher, both attest that their income and assets are minimal or non-existent, so they qualify as indigent regardless of their expenses. [Doc. 1 at 1-3; Doc. 1-1 at 1-3.]

Additionally, Harpo is subject to a previous District Court order requiring him “to disclose his full litigation history in any . . . [IFP] affidavit that he files.”¹ *See Williams v. Harpo*, No. 1:16-cv-1225-WSD, Doc. 2 at 2. (internal quotation marks omitted). With his IFP application, Harpo has filed a document disclosing his prior litigation history. [Doc. 1-3.]

Upon review of Plaintiffs’ applications, I find that they meet the financial requirements for IFP status, and that Harpo has complied with the District Court’s requirement that he disclose his litigation history. I therefore **GRANT** their requests to proceed IFP pursuant to 28 U.S.C. § 1915(a). As this case has not been referred to me for pre-trial rulings, I defer to the District Judge any determinations as to subject matter jurisdiction and frivolity for purposes of § 1915(e)(2)(B). Should this matter be referred to me for pretrial rulings, I will conduct a frivolity

¹ Although this requirement first was imposed when Harpo was incarcerated and filing prisoner lawsuits, *see Harpo v. City of Atlanta*, No. 1:14-cv-2157-WSD, Doc. 2 at 1-2, the District Court continues to require Harpo to disclose his litigation history, regardless of whether he is incarcerated, *see, e.g., Harpo v. City of Atlanta*, No. 1:16-cv-1067, Doc. 8 at 3. Harpo is aware that he is required to disclose his litigation history, as he has done so in previous cases. *See Broadstone Maple, LLC v. Onna*, 1:16-cv-1661, Doc. 2-1. He also has had previous cases dismissed for his failure to comply with the District Court’s requirement. *See Williams*, No. 1:16-cv-1225-WSD, Doc. 2 at 4.

review, unless the District Judge already has determined that the matter is not frivolous.

IT IS SO ORDERED this 15th day of March, 2019.



JOHN K. LARKINS III
United States Magistrate Judge